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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/856,412      | 08/28/2001  | Adam John Darby      | CASE 96             | 7820             |

7590 08/19/2003

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EXAMINER

PERRIN, JOSEPH L

ART UNIT

PAPER NUMBER

1746

DATE MAILED: 08/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/856,412

Applicant(s)

DARBY ET AL.

Examiner

Joseph L. Perrin, Ph.D.

Art Unit

1746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 17 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) 1-6 and 10-14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 7-9 is/are rejected.
- 7) ☒ Claim(s) 7-9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### *Election/Restrictions*

1. Restriction is required under 35 U.S.C. 121 and 372.
2. This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.
3. In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-6, drawn to a method of operating a drain pump in a washing machine.

Group II, claim(s) 7-9, drawn to a method of braking a washing machine spin tub.

Group III, claim(s) 10, drawn to a method of powering on and off a washing machine.

Group IV, claim(s) 11, drawn to an optocoupler drive circuit.

Group V, claim(s) 12-14, drawn to a laundry machine drain pump drive.

4. The inventions listed as Groups I-V do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

The inventions listed as Groups I-V do not relate to a single general inventive concept because they lack the same or corresponding special technical feature. Group IV is unrelated to Groups I-III & V. The only common technical feature of Groups I-III and V is a laundry washing machine, which is shown by applicant's disclosure (e.g. pages 1-2) as conventional, lacks novelty or inventive step and therefore does not make a contribution over the prior art.

5. During a telephone conversation with applicant's representative, Ms. Linda L. Palomar, on 06 August 2003 a provisional election was made without traverse to prosecute the invention of Group II, claims 7-9. Affirmation of this election must be made by applicant in replying to this Office action. Claims 1-6 and 10-14 are withdrawn

Art Unit: 1746

from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

6. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

### ***Specification***

7. This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.

### ***Claim Objections***

8. Claims 7-8 are objected to because of the following informalities: The claimed method/process steps (e.g. "...is terminated"; "...is monitored"; etc.) are considered improper because they are not active method steps (e.g. "terminating..."; "monitoring..."; etc). Appropriate correction is required.

9. Claim 9 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 9 fails to provide any further limitation to the claimed "method of braking a top loading washing machine spin tub" of claims 7 & 8.

***Claim Rejections - 35 USC § 112***

10. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

11. Claims 7-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 7, the phrase "characterized in" is considered vague and indefinite.

The transitional word (i.e. between the preamble and the body of claim) "characterized in" and phrases incorporating it are common in applications of European origin. In U.S. practice, claims containing those words and phrases are rejectable under 35 U.S.C. 112, second paragraph, when characterization may connote more than mere description (dictionary definition); in scientific parlance characterization may imply one or more physical steps or procedures (e.g. structure determination, elemental analysis, or qualitative tests) to identify a product. Since it is rare that applicant intends more than a mere description when using this language, physical steps are rarely disclosed. As such the reader may be unsure about the meaning of the wording of the claims, and additionally the scope of the claim is often unclear ("characterized" conveys no degree of openness). Usually these troublesome words or phrases can be replaced by the standard transitional words, "having", "comprising", "consisting of", "wherein" and the like.

***Allowable Subject Matter***

12. Claims 7-8 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

13. The following is a statement of reasons for the indication of allowable subject matter:

14. The closest prior art of record, US 5,247,231 to Glucina, fails to teach each and every limitation of the instant invention. Specifically, Glucina fails to teach or suggest the method of braking as claimed further including utilizing an unused component in a washing machine, such as a water pump, to dissipate power during braking, which is disclosed as an essential element of claimed invention, as described in claims 7-8.

15. For at least the foregoing reasons, claims 7-8 are believed to recite patentable subject matter.

***Conclusion***

16. It is noted that reference cited in the International Search Report mailed 20 March 2000 were not addressed since each of the International Application and the present National Stage Application were subject to same restriction for lack of unity, and the Group elected for the International Application (Group I, claims 1-6) was not the same as the above-elected Group (Group II, claims 7-9).

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Art Unit: 1746

US RE37,360 to Duncan, which discloses method of braking a washing machine with dynamic braking.

US 6,189,171 to Savkar *et al.*, which discloses a washing machine with regenerative braking.

US 4,857,814 to Duncan, which discloses method of braking a washing machine with dynamic braking.

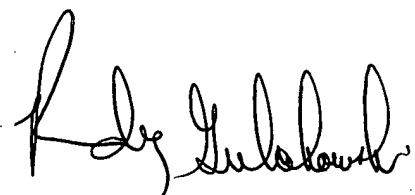
18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph L. Perrin, Ph.D. whose telephone number is (703)305-0626. The examiner can normally be reached on M-F 7:30-5:00, except alternate Fridays.

19. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy P. Gulakowski can be reached on (703)308-4333. The fax phone numbers for the organization where this application or proceeding is assigned are (703)872-9310 for regular communications and (703)872-9311 for After Final communications.

20. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0661.

jlp  
August 7, 2003

Joseph L. Perrin, Ph.D.  
Examiner  
Art Unit 1746



RANDY GULAKOWSKI  
SUPERVISORY PATENT EXAMINER  
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